

CALIFORNIA COASTAL COMMISSION

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**15-DAY NOTICE OF REVISIONS TO TEXT OF
PROPOSED REGULATIONS**

**(Prepared for comment period commencing
October 30, 2007 and ending November 13, 2007)**

Pursuant to the requirements of Government Code section 11346.8(c), and section 44 of Title 1 of the California Code of Regulations, the California Coastal Commission is providing notice of changes made to proposed regulation amendments regarding filing fees. The Notice of Proposed Rulemaking for the originally proposed amendments was published in the Office of Administrative Law's California Notice Register on September 14, 2007 (See Register 2007, No. 37-Z). The 45-day comment period for the amendments began on September 14, 2007 and ended on October 29, 2007.

At its October 2007 hearing, the Commission approved six revisions to sections 13055 and 13111 of the originally proposed amendments. All six revisions are substantially related to the originally proposed text, and are therefore being provided for public comment for 15 days, prior to the adoption of the amendments. **The public comment period for these revisions begins on October 30, 2007 and will end on November 13, 2007.**

Written comments must be received by the Commission no later than 5 p.m. on November 13, 2007. Comments should be addressed to: CALIFORNIA COASTAL COMMISSION, 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA 95060-4508, ATTN: Madeline Cavalieri. Comments may also be submitted by fax to (831) 427-4877 or by e-mail to mcavalieri@coastal.ca.gov. For further information please contact Madeline Cavalieri at (415) 904-5233.

All written comments received by November 13, 2007, which pertain to the indicated changes will be reviewed and responded to by the Commission's staff as part of the compilation of the rulemaking file. Please limit your comments to the revisions to the text.

Each of the six revisions is described in detail below. The entire text of the proposed regulations is attached as Exhibits A through E. **Originally proposed amendments are shown in strikeout and underline, and revisions are shown in double strikeout and double underline.**

Revision 1

The Commission has approved an additional increase in fees for projects that include more than 100 cubic yards of grading. The reason for this revision is that the originally proposed fees were not high enough to reflect the complexity of review involved in grading projects, which

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substantially disturb coastal resources. The revised fee schedule is in section 13055(a)(4), on page 2 of Exhibit A, and is shown below.

The originally proposed fees for grading were:

Cubic Yards of Grading	Proposed Fee
51 to 100	\$500
101 to 1000	\$750
1001 to 10,000	\$1,000
10,001 to 100,000	\$1,250
100,001 or more	\$1,500

The revised fees for grading are:

Cubic Yards of Grading	Revised Fee
51 to 100	\$500
101 to 1000	\$1,000
1001 to 10,000	\$2,000
10,001 to 100,000	\$3,000
100,001 to 200,000	\$5,000
200,001 or more	\$10,000

Revision 2

Because the Commission's fee schedule was last updated in 1991, it is currently based on outdated development costs. The Commission has therefore approved an updated fee schedule for development cost that is more proportionate to the fee schedule which is based on square footage. The revised fee schedule is in section 13055(a)(5), on page 3 of Exhibit A, and is shown below.

Current Development Cost Categories	Revised Development Cost Categories	Proposed Fee
\$50,000 or less	\$100,000 or less	\$3,000
\$50,001 to \$100,000	\$100,001 to \$500,000	\$6,000
\$100,001 to \$500,000	\$500,001 to \$2,000,000	\$10,000
\$500,001 to \$1,250,000	\$2,000,001 to \$5,000,000	\$20,000
\$1,250,001 to \$2,500,000	\$5,000,001 to \$10,000,000	\$25,000
\$2,500,001 to \$5,000,000	\$10,000,001 to \$25,000,000	\$30,000
\$5,000,001 to \$10,000,000	\$25,000,001 to \$50,000,000	\$50,000
\$10,000,001 to \$100,000,000	\$50,000,001 to \$100,000,000	\$100,000
\$100,000,001 or more	\$100,000,001 or more	\$250,000

Revision 3

The originally proposed fee for subdivisions was \$3,000 for each of the first four lots and \$500 for each additional lot. The Commission has approved an additional increase so that the revised

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fee is \$3,000 for each of the first four lots and \$1,000 for each additional lot. The reason for this revision is that the originally proposed fee of \$500 for each lot over four lots was too low as compared to the average complexity of this type of application review. This revision is in section 13055(e) and can be found on page 5 of Exhibit A.

Revision 4

The Commission has approved additional language in section 13055(g) that would exempt applicants for single-family homes from indemnification conditions. This exemption would not increase fees; it would prevent the Commission from requiring some applicants to reimburse its attorney's fees. The proposed revision is shown in double underline on page 5 of Exhibit A, and adds the following sentence to section 13055(g):

“Notwithstanding the foregoing, the commission shall not require an applicant for a permit for one single-family dwelling to reimburse it for litigation costs or fees that the commission may incur in defending a judicial challenge to the commission's approval of the permit.”

Revision 5

The originally proposed regulation amendments included the following fee reduction for green buildings:

“The executive director of the commission may waive the filing and processing fee in full or in part for an application that displays extraordinary characteristics which substantially benefit coastal resources, such as sustainable site and building design, water and energy efficiency, habitat protection and public transportation elements.”

The Commission has revised the proposed language to include standard criteria for evaluating eligibility, a specific rate of discount, and a mechanism for implementing the fee reduction, so that the regulation is clearer for applicants and easier for the Commission to implement.

The language of the revised regulation is in section 13055(h)(3), on page 6 of Exhibit A, and below:

“For applications received prior to January 1, 2015, the executive director of the Commission may reduce the filing fee by 40% for projects that are certified at a minimum of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Gold standard or equivalent. After registering a project with an approved third-party certification program, applicants expecting to obtain a certification that qualifies for the above-mentioned fee reduction must submit 60% of the filing fee required pursuant to section 13055 and a letter of credit or other cash substitute acceptable to the executive director in the amount of the remainder of the required filing fee. The applicant shall submit to the executive director proof of certification at a minimum of LEED Gold or

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equivalent within three years of the date of permit issuance. Upon receipt of the proof of certification the executive director shall release the letter of credit or other cash substitute to the applicant. If the applicant does not submit to the executive director proof of certification within three years of the date of permit issuance, the Commission will redeem the letter of credit or other cash substitute. The executive director may grant one extension of the three year deadline for good cause. A request for such an extension must be submitted to the executive director in writing at least 60 days prior to the deadline, outlining the reason for the request and the expected completion date. The extension shall not exceed one year.”

Revision 6

The Commission has approved a reference to the proposed fee for appeals in section 13111(b). The purpose of this revision is to ensure the regulations are internally consistent, in light of the proposed amendments. The revision will simply clarify the regulations, so that someone reading section 13111 will be aware of the associated fees. The revision is shown on page 1 of Exhibit B and below:

“For an appeal to the Commission by an applicant pursuant to Public Resources Code sections 30602 or 30603(a)(5) of a denial of a coastal development permit application, the applicant shall submit a filing fee in accordance with the provisions of section 13055(b)(5)(B).”

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ARTICLE 4. SCHEDULE OF FILING FEES FOR FILING AND PROCESSING PERMIT APPLICATIONS AND OTHER FILINGS

§ 13055. Fees.

(a) ~~Permit filing and processing fees~~ Filing fees for processing coastal development permit applications shall be as follows:

- (1) ~~Two hundred dollars (\$200)~~ \$2,500 for any development qualifying for an administrative permit.
- (2) (A) For up to 4 detached, single-family residences ~~a single-family residence~~, the fee for each residence shall be based on the square footage of the proposed residence as shown in the following table:

Square Footage of Proposed Residence	Fee
1500 or less	\$250 <u>\$3,000</u>
1501 to 5000	\$500 <u>\$4,500</u>
5001 or more <u>to 10,000</u>	\$1000 <u>\$6,000</u>
<u>10,001 or more</u>	<u>\$7,500</u>

(B) For more than 4 detached, single-family residences, the fee shall be as follows:

- (1) For residences of 1500 square feet or less, the fee shall be \$15,000 or \$1,000 per residence, whichever is greater, but not to exceed \$100,000;
- (2) For residences of 1501 to 5000 square feet, the fee shall be \$22,500 or \$1,500 per residence, whichever is greater, but not to exceed \$100,000;
- (3) For residences of 5001 to 10,000 square feet, the fee shall be \$30,000 or \$2,000 per residence, whichever is greater, but not to exceed \$100,000;
- (4) For residences of 10,001 or more square feet, the fee shall be \$37,500 or \$2,500 per residence, whichever is greater, but not to exceed \$100,000.

For developments that include residences of different sizes, the fee shall be based upon the average square footage of all the residences.

(C) As used herein, the term "square footage" includes gross internal floor space of the main house and attached garage(s), plus any detached structures (e.g., guest houses, detached bedrooms, in-law units, garages, barns, art studios, tool sheds, and other outbuildings.)

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- (3) ~~Six hundred dollars (\$600) for lot line adjustments, or for divisions of land where there are single family residences already built and only one new lot is created by the division of~~
- (3) (A) ~~f~~ For ~~multi-family units~~ up to 4 attached residential units the fee shall be \$7,500. ~~up to four (4) units.~~
- (4) (B) For more than 4 attached residential units, the fee shall be ~~Two thousand dollars (\$2,000)~~ \$10,000 or ~~one hundred twenty dollars (\$120)~~ \$750 per unit, whichever is greater, but not to exceed ~~twenty thousand dollars (\$20,000)~~ \$50,000. ~~for multi-unit residential development greater than four (4) units.~~
- (54) All residential projects (~~whether single or multi-unit~~) that include more than ~~75~~ 50 cubic yards of grading shall be subject to an additional fee of ~~two hundred dollars (\$200)~~ as shown on the following table:

<u>Cubic Yards of Grading</u>	<u>Fee</u>
<u>51 to 100</u>	<u>\$500</u>
<u>101 to 1000</u>	\$750 <u>\$1,000</u>
<u>1001 to 10,000</u>	\$1,000 <u>\$2,000</u>
<u>10,001 to 100,000</u>	\$1,250 <u>\$3,000</u>
<u>100,001 or more to 200,000</u>	\$1,500 <u>\$5,000</u>
<u>200,001 or more</u>	<u>\$10,000</u>

This fee does not apply to residential projects that qualify for administrative permits.

- (65) For office, commercial, convention, or industrial (including energy facilities as defined in Public Resources Code section 30107) development, and for all other development not otherwise identified in this section, the fee shall be ~~based upon~~ based upon either the gross square footage as shown in (5)(A) or the development cost as shown in following table: (5)(B) whichever is greater.

(A) Fees based upon gross square footage shall be as follows:

<u>Square Footage of Proposed Proposed Development</u>	<u>Fee</u>
<u>1000 or less</u>	\$500 <u>\$5,000</u>
<u>1001 to 10,000</u>	\$2,000 <u>\$10,000</u>
<u>10,001 to 25,000</u>	\$4,000 <u>\$15,000</u>
<u>25,001 to 50,000</u>	\$8,000 <u>\$20,000</u>
<u>50,001 to 100,000</u>	\$12,000 <u>\$30,000</u>
<u>100,001 or more</u>	\$20,000 <u>\$50,000</u>

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- (7) ~~Twenty thousand dollars (\$20,000) for major energy production and fuel processing facilities, including but not limited to, the construction or major modification of offshore petroleum production facilities, tanker terminals and mooring facilities, generating plants, petroleum refineries, LNG gasification facilities and the like.~~
- (8) (B)(1) ~~For changes in intensity of use; for office, commercial, convention or industrial development not otherwise identified in this section; and for all other development not otherwise identified in this section; the fee shall be based on the development cost as shown in the following table~~ Fees based upon development cost shall be as follows:

Development Cost	Fee
\$50,000 <u>\$100,000</u> or less	\$3,000
\$50,001 to \$100,001 <u>\$500,000</u> or less	\$600 <u>\$6,000</u>
\$100,001 to \$500,001 <u>\$500,001 to \$2,000,000</u>	\$2,000 <u>\$10,000</u>
\$500,001 to 1,250,000 <u>\$2,000,001 to \$5,000,000</u>	\$4,000 <u>\$20,000</u>
\$1,250,001 to 2,500,000 <u>\$5,000,001 to \$10,000,000</u>	\$8,000 <u>\$25,000</u>
\$2,500,001 to 5,000,000 <u>\$10,000,001 to \$25,000,000</u>	\$12,000 <u>\$30,000</u>
\$5,000,001 or more to \$10,000,000 <u>\$25,000,001 to \$50,000,000</u>	\$20,000 <u>\$50,000</u>
\$10,000,001 to \$100,000,000 <u>\$50,000,001 to \$100,000,000</u>	\$100,000
<u>\$100,000,001 or more</u>	<u>\$250,000</u>

(2) As used herein, the term "development cost" includes all expenditures, including the cost for planning, engineering, architectural, and other services, made or to be made for designing the project plus the estimated cost of construction of all aspects of the project both inside and outside the Commission's jurisdiction.

- (6) ~~Two hundred dollars (\$200)~~ \$1,000 for immaterial amendments to coastal development permits, and fifty percent (50%) of the permit fee that would currently apply to the permitted development for material amendments to coastal development permits.
- (7) ~~Two hundred dollars (\$200)~~ \$1,000 for emergency permits. A fee paid for an emergency permit shall be credited toward the fee charged for the follow-up coastal development permit.
- (11) ~~Two hundred dollars (\$200) for extensions and reconsiderations of coastal development permits for single family dwellings.~~
- (12) ~~Four hundred dollars (\$400) for extensions and reconsiderations of all other coastal development permits.~~
- (13) ~~Two hundred dollars (\$200) for a "de minimis" waiver of a coastal development permit application pursuant to section 30624.7 of the Coastal Act and for a waiver pursuant to sections 13250(e) and 13253(e) of these regulations.~~

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~~(14) One hundred dollars (\$100) for a second continuance and any subsequent continuance requested by the applicant and approved by the commission. There is no fee charged for the first continuance requested by the applicant.~~

~~(15) Five hundred dollars (\$500)~~ \$2,500 for temporary events that require a permit, unless the application is scheduled on the administrative calendar, in which case the fee shall be ~~two hundred dollars (\$200)~~ \$1,000.

(b) Filing fees for filings other than coastal development permit applications shall be as follows:

(1) (A) \$500 for either an extension or reconsideration of coastal development permit for a single-family dwellings.

(B) \$1,000 for an extension or reconsideration of any other coastal development permit.

(2) \$500 for a "de minimis" waiver of a coastal development permit application pursuant to Public Resources Code section 30624.7 and for a waiver pursuant to sections 13250(c) and 13253(c) of this title.

(3) \$250 for any written confirmation of exemption from permit requirements of Public Resources Code section 30600.

(4) \$1,000 for any continuance requested by the applicant, except the first continuance.

(5) The filing fee for:

(A) any certification of consistency that is submitted to the Commission pursuant to sections 307(c)(3)(A) or (B) of the Coastal Zone Management Act of 1972 (16 USC section 1456(c)(3)(A),(B)), or

(B) any appeal to the Commission pursuant to Public Resources Code sections 30602 or 30603(a)(5) by an applicant of a denial of a coastal development permit application

shall be determined in accordance with the provisions of subsection (a).

(6) The request for a boundary determination pursuant to either section 13255.1 or 13576(c) shall be accompanied by a filing and processing fee of \$250. For a request for a boundary determination pursuant to section 13255.1 or 13576(c)(2) that pertains to two or more parcels, the fee shall be paid on a per parcel basis.

(7) The request for a boundary adjustment pursuant to section 13255.2 shall be accompanied by a filing and processing fee of \$5,000.

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(c) The fees established in this section shall be increased annually by an amount calculated on the basis of the percentage change from the year in which this provision becomes effective in the California Consumer Price Index for Urban Consumers as determined by the Department of Industrial Relations pursuant to Revenue and Taxation Code Section 2212. The increased fee amounts shall become effective on July 1 of each year. The new fee amounts shall be rounded to the nearest dollar.

(~~db~~) Fees for an after-the-fact (ATF) permit application shall be ~~doubled~~ five times the amount specified in section (a) unless such added increase is s-are waived reduced by the Executive Director when it is determined that ~~the permit could be processed by staff without significant additional review time resulting from the processing of the violation, either:~~

- (1) the ATF permit application can be processed by staff without significant additional review time (as compared to the time required for the processing of a regular permit,) or
- (2) the owner did not undertake the development for which the owner is seeking the ATF permit,

but in no case shall such reduced fees be less than double the amount specified in section (a) above. For applications that include both ATF development and development that has not yet occurred, the ATF fee shall apply only to the ATF development. In addition, payment of an ATF fee shall not relieve any persons from fully complying with the requirements of Division 20 of the Public Resources Code or of any permit granted thereunder or from any penalties imposed pursuant to Chapter 9 of Division 20 of the Public Resources Code.

(~~ee~~) Where a development consists of a land division including, but not limited to, lot line adjustments or issuance of a conditional certificate of compliance pursuant to Government Code section 66499.35(b), each lot shall be considered as one single family residence for the purpose of calculating the application fee the fee shall be \$3,000 for each of the first four lots, plus \$500 \$1,000 for each additional lot. If an application includes both subdivision and the construction of residences, the fee shall be based upon the construction of the proposed residences with no additional fee for the subdivision. Conversion to condominiums shall be considered a division of the land.

(~~fd~~) ~~Except as provided in subsection (c) above, if~~ If different types of developments are included in one permit application, the fee shall be the sum of the fees that would apply if each development was proposed in a separate application. However, in no case shall the fee for residential development exceed \$100,000 and in no case shall the fee for all other development ~~such application exceed twenty thousand dollars (\$20,000)~~ \$250,000.

(ge) In addition to the above fees, the commission may require the applicant to reimburse it for any additional reasonable expenses incurred in ~~its consideration of~~ processing the permit application, including the costs of providing public notice. Notwithstanding the foregoing, the

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commission shall not require an applicant for a permit for one single-family dwelling to reimburse it for litigation costs or fees that the commission may incur in defending a judicial challenge to the commission's approval of the permit.

(h) The fees specified in sections (a) and (b) may be modified under the following circumstances:

(1) The executive director shall waive the application fee where requested by resolution of the commission.

(2) The executive director of the commission may waive the filing and processing fee in full or in part for an application for a housing development that contains housing units the occupancy of which by persons of low or moderate income as defined in Health and Safety Code section 50093 is assured for the period of time specified in Government Code section 65915(c)(1).

~~(3) The executive director of the commission may waive the filing and processing fee in full or in part for an application that displays extraordinary characteristics which substantially benefit coastal resources, such as sustainable site and building design, water and energy efficiency, habitat protection and public transportation elements.~~

(3) For applications received prior to January 1, 2015, the executive director of the Commission may reduce the filing fee for projects that are certified at a minimum of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Gold standard or equivalent. After registering a project with an approved third-party certification program, applicants expecting to obtain a certification that qualifies for the above-mentioned fee reduction must submit 60% of the filing fee required pursuant to section 13055 and a letter of credit or other cash substitute approved by the executive director in the amount of the remainder of the required filing fee. After submitting proof of certification at a minimum of LEED Gold or equivalent, the letter of credit or other cash substitute will be released by the Commission to the applicant. If the applicant does not receive a minimum of LEED Gold certification or equivalent within three years of the date of permit issuance, the Commission will cash the letter of credit or other cash substitute. The executive director may grant an extension of the three year deadline for good cause. Request for extension must be submitted to the executive director in writing at least 60 days prior to the deadline, outlining the reason for the request and the expected completion date. The extension shall not exceed one year.

(ig) The required fee shall be paid in full at the time an application is filed. However, applicants for an administrative permit shall pay an additional fee after filing if the executive director or the commission determines that the application cannot be processed as an administrative permit. The additional fee shall be the amount necessary to increase the total fee paid to the regular fee. The regular fee is the fee determined pursuant to ~~sections (a)(2)-(15), (b)-(f) above~~ this section. In

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addition, if the executive director or the commission determines that changes in the nature or description of the project that occur after the initial filing result in a change in the amount of the fee required pursuant to this section, the applicant shall pay the amount necessary to change the total fee paid to the fee so determined. If the change results in a decreased fee, a refund will be due only if no significant staff review time has been expended on the original application. If the change results in an increased fee, ~~the~~ the additional fee shall be paid before the permit application is scheduled for hearing by the commission. If the fee is not paid prior to commission action on the application, the commission shall impose a special condition of approval of the permit. Such special condition shall require payment of the additional fee prior to issuance of the permit.

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ARTICLE 18. RECONSIDERATION

§ 13111. Filing of Appeal.

(a) An appeal of a local government's decision on a coastal development permit application (or local government equivalent) may be filed by an applicant or any aggrieved person who exhausted local appeals, or any two (2) members of the Commission. The appeal must contain the following information:

The appeal must contain the following information:

- (1) the name and address of the permit applicant and appellant;
- (2) the date of the local government action;
- (3) a description of the development;
- (4) the name of the governing body having jurisdiction over the project area;
- (5) the names and addresses of all persons who submitted written comments or who spoke and left his or her name at any public hearing on the project, where such information is available;
- (6) the names and addresses of all other persons known by the appellant to have an interest in the matter on appeal;
- (7) the specific grounds for appeal;
- (8) a statement of facts on which the appeal is based;
- (9) a summary of the significant question raised by the appeal.

The filing of the notice of appeal should also contain information which the local government has specifically requested or required.

(b) For an appeal to the Commission by an applicant pursuant to Public Resources Code sections 30602 or 30603(a)(5) of a denial of a coastal development permit application, the applicant shall submit a filing fee in accordance with the provisions of section 13055(b)(5)(B).

~~(b)~~ The appeal must be received in the Commission district office with jurisdiction over the local government on or before the tenth (10th) working day after receipt of the notice of the permit decision by the executive director.

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(~~ed~~) The appellant shall notify the applicant, any persons known to be interested in the application, and the local government of the filing of the appeal. Notification shall be by delivering a copy of the completed Notice of Appeal to the domicile(s), office(s), or mailing address(es) of said parties. In any event, such notification shall be by such means as may reasonably advise said parties of the pendency of the appeal. Unwarranted failure to perform such notification may be grounds for dismissal of the appeal by the Commission.

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ARTICLE 6. EXTENSION OF PERMITS

§ 13169. Extension of Permits.

(a) Prior to the time that commencement of development under a permit granted by either the regional commission or the commission must occur under the terms of the permit or Section 13156, the applicant may apply to the executive director of the commission for an extension of time not to exceed an additional one year period. The executive director shall not accept the application unless it is accompanied by all of the following:

- (1) evidence of an approved, unexpired permit,
- (2) evidence of the applicant's legal interest in the property involved in the permit,
- (3) the fee specified in section 13055**(b)(1)** of these regulations, and
- (4) stamped envelopes addressed to each person specified in section 13054 of these regulations and each person who testified, orally or in writing at prior permit hearing(s).

(b) For those applications accepted, the executive director shall determine whether there are changed circumstances that may affect the consistency of the development with the policies of Chapter 3 of the Coastal Act or with a certified local coastal program, if applicable. If the executive director determines that there are no changed circumstances that may affect consistency of the development, he or she shall mail notice of such determination including a summary of the procedures set forth in this section to all parties the executive director has reason to know may be interested in the application including all persons identified in section 13054 of these regulations and all persons who participated in previous permit hearings. The applicant shall post such notice at the project site within three (3) days of the executive director's mailing of the notice to interested parties. The executive director shall also report the determination to the commission to provide the commission with an opportunity to object to the executive director's determination. The time for commencement of development shall be extended for one year from the expiration date of the permit if both of the following occur:

- (1) no written objection to the executive director's determination is received within 10 working days after mailing notice, and
- (2) three commissioners do not object to the executive director's determination.

(c) If the executive director received a written objection to his or her determination but concludes that the objection does not identify changed circumstances that may affect the consistency of the development with the Coastal Act or a certified local coastal program, if applicable, the executive director shall report this conclusion to the commission at the same time that the executive director reports the determination to the commission in accordance with subsection (b)

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above. The executive director shall provide a copy of the letter(s) of objection to the commission with the report. If three commissioners object to the extension on grounds that there may be changed circumstances that affect consistency, the executive director shall schedule the extension for hearing(s) in accordance with subsection (d) below. If three commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit.

(d) If the executive director receives an objection to his or her determination and concludes that the objection identifies changed circumstances that may affect the consistency of the development or if the executive director determines that due to changed circumstances the proposed development may not be consistent, the application shall be scheduled for a hearing on whether there are changed circumstances that affect consistency. The executive director shall provide notice of such hearing to any person(s) the executive director has reason to know would be interested in the matter. The executive director shall prepare a report for the hearing that describes any pertinent changes in conditions or circumstances relating to each requested permit extension.

(1) If three (3) commissioners determine that there are changed circumstances that affect consistency of the development with Chapter 3 policies of the Coastal Act or with a certified local coastal program if applicable, the extension shall be denied and upon payment of the filing fee specified in section 13055(a) of these regulations for an application for a coastal development permit the development shall be set for a full hearing of the commission pursuant to Subchapter 1 of these regulations. However, except as otherwise provided in the preceding sentence, the applicant shall not be required to file a new permit application but instead, shall submit any information that the executive director determines is necessary to evaluate the effect of the changed circumstances.

(2) If no such determination is made by three commissioners, the time for commencement of development shall be extended for one year from the expiration date of the permit.

(e) Any extensions applied for prior to the expiration of the permit shall automatically extend the time for commencement of development until such time as the commission has acted upon the extension request; provided, however, that the applicant shall not undertake development during the period of automatic extension provided in this section.

(f) The procedures specified in this section shall apply to extensions of all permits approved by the commission, including those approved on appeal, on the consent calendar and as administrative permits.

ARTICLE 1. BOUNDARY ADJUSTMENT AND BOUNDARY DETERMINATION
REQUESTS

§ 13255.0. Scope.

This subchapter shall govern (a) the request for a determination of the precise location of a particular parcel or area of land in relation to the boundary of the coastal zone, and (b) the request, review and implementation of proposed minor adjustments to the inland boundary of the coastal zone pursuant to Public Resources Code Section 30103(b). Boundary adjustments made pursuant to this subchapter shall be determinative for all purposes with respect to the California Coastal Act of 1976.

§ 13255.1. Request for Boundary Determination

Any request for a written determination by the Commission of the precise location of a particular parcel or area of land in relation to the boundary of the coastal zone shall be accompanied by payment of the fee set forth in Section 13055(b)(6).

§ 13255.42. Request for Boundary Adjustment.

(a) The owner of the affected lot or parcel, the local government of jurisdiction, or the executive director of the commission may propose that the inland boundary of the coastal zone be adjusted to avoid bisecting any lot or parcel, or to conform the boundary to readily identifiable natural or manmade features. The request to adjust the boundary shall be made in writing to the commission.

(b) The request for a boundary adjustment shall be accompanied by sufficient information to enable the commission to determine whether the proposed adjustment is consistent with Public Resources Code Section 30103(b). This information shall include:

- (1) Name and address of the owner of the affected lot or parcel.
- (2) Names and addresses of all occupants of the affected lot or parcel.
- (3) A description and documentation of the applicant's legal interest in the affected lot or parcel.
- 4) Names and addresses of all owners and occupants of all lots or parcels wholly or partially within 100 feet of the affected lot or parcel and the addresses of all such lots or parcels;
- (5) A map of suitable scale to show the present and proposed location of the coastal zone boundary, all lots or parcels within 100 feet of the affected lot or parcel, and the existence and location of all readily identifiable natural and manmade features;

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- (6) A description of the existing use of the affected lot or parcel and the nearby lands.
- (7) A discussion of the reasons is for the request that the coastal zone boundary be adjusted.
- (c) The person requesting the adjustment shall post a conspicuous notice of the proposed adjustment at the time the request is submitted to the commission. The form and location of the posted notice shall be similar to that required by Section 13054(b) for permit matters.
- (d) The request for a boundary adjustment shall be accompanied by a filing and processing fee as set forth in Section 13055(b)(7). ~~to be paid by check or money order in an amount determined as follows:~~
- ~~—(1) Twenty-five dollars (\$25) if the portion of the lot or parcel affected by the adjustment is less than or equal to five acres in area.~~
 - ~~—(2) Fifty dollars (\$50) if the portion of the parcel affected by the adjustment is greater than five acres but less than or equal to forty acres in area.~~
 - ~~—(3) One hundred dollars (\$100) if the portion of the parcel affected by the adjustment is greater than forty acres but less than or equal to one thousand acres in area.~~
 - ~~—(4) Two hundred and fifty dollars (\$250) if the portion of the parcel affected by the adjustment is greater than one thousand acres in area.~~

The executive director of the commission may waive the filing and processing fee in full or in part where the request concerns the same lot or parcel considered for a previous boundary adjustment or permit application where no substantial staff work is required or where the request is made by the local government of jurisdiction.

§ 13255.23. Notification Requirements.

The person requesting the adjustment shall provide notice to affected parties, property owners and occupants of any parcel within 100 feet of any boundary of the affected parcel and to any other persons known to be interested in the proposed boundary adjustments. This notice shall comply with the requirements prescribed in Section 13054 for permit matters.

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ARTICLE 18. MAP REQUIREMENT AND BOUNDARY DETERMINATION CRITERIA

§ 13576. Map(s) of Areas of Commission Permit and Appeal Jurisdiction.

(a) In conjunction with final Local Coastal Program certification or the delegation of coastal development permit authority pursuant to Public Resources Code Section 30600.5, whichever occurs first, the Commission shall, after public hearing, adopt a map or maps of the coastal zone of the affected jurisdiction that portrays the areas where the Commission retains permit authority pursuant to Public Resources Code Sections 30603(a)(1) and (a)(2), or 30600.5(d). These maps shall be drawn based on the criteria for permit and appeal boundary determinations, set forth in Section 13577 below, and will serve as the official maps of the Commission's permit and appeal jurisdiction. The Commission, in consultation with the local government, shall update these maps from time to time, where changes occur in the conditions on which the adopted maps were based, or where it can be shown that the location of the mapped boundary does not adequately reflect the intended boundary criteria. Revisions of the adopted maps shall be based on precise boundary determinations made using the criteria set forth in Section 13577. The revised maps shall be filed with the affected jurisdiction within 30 days of adoption by the Commission. In addition, each adopted map depicting the permit and appeal jurisdiction shall include the following statement:

"This map has been prepared to show where the California Coastal Commission retains permit and appeal jurisdiction pursuant to Public Resources Code Sections 30519(b), 30603(a)(1) and (a)(2) and 30600.5(d). In addition, development may also be appealable pursuant to Public Resources Code Sections 30603(a)(3), (a)(4), and (a)(5). If questions arise concerning the precise location of the boundary of any area defined in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This plat may be updated as appropriate and may not include all lands where permit and appeal jurisdiction is retained by the Commission"

(b) In the case of local governments which have received Commission approval of their Phase III (implementation) Work Program and Budget prior to January 1, 1980, the permit and appeal area maps shall be adopted by the Commission prior to the certification becoming effective pursuant to Section 13547 of the Commission's regulations.

(c) Any request for a written determination for either (1) interpretation or revision of any boundary shown in any permit and appeal jurisdiction map approved pursuant to subsection (a), or (2) a determination of the precise location of a particular parcel or area of land in relation to any boundary shown on any such map, shall be accompanied by payment of the fee set forth in Section 13055(b)(6).